

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
V. ) CR-05-30002-MAP  
)  
(1) FRANK DEPERGOLA, and )  
(2) ARMANDO BOTTA, )

GOVERNMENT'S REQUEST TO DESTROY EVIDENCE

The United States of America, by and through its undersigned attorneys, requests authority of the Court to destroy evidence. As reasons therefore, the government relies upon the following.

During the course of the investigation which led to the return of the above captioned Indictment the government obtained approximately one gram of marijuana, one Bryco .38 auto pistol with an obliterated serial number and five rounds of .380 caliber ammunition in a magazine clip. None of these items were seized from either of the two above captioned defendants, but rather were recovered from other targets of the investigation against whom no charges were filed. Because these items are illegal to possess, the government requests authority to destroy them.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/ Todd E. Newhouse\_\_\_\_\_  
TODD E. NEWHOUSE  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
July 2, 2007

I, Todd E. Newhouse, Assistant U.S. Attorney, do hereby certify that I have served, by ECF, a copy of the foregoing, to all counsel of record.

/s/ Todd E. Newhouse  
TODD E. NEWHOUSE  
Assistant U.S. Attorney